



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4
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OCT 30 2002

In re Application of: Robert Portman

Examiner: TBA

U.S. Serial No: 10/085,355

Group Art Unit: 1653

TECH CENTER 1600/2900

Filed: February 28, 2002

Docket No.: 102717-40815

For: NUTRITIONAL INTERVENTION COMPOSITION CONTAINING PROTEINASE INHIBITOR
EXTENDING POST MEAL SATIETY

Assistant Commissioner for Patents
Washington, DC 20231

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

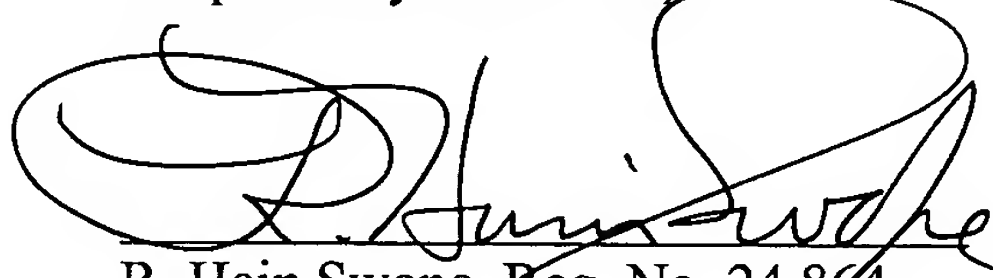
In accordance with the provisions of 37 C.F.R. § 1.97 - 1.99, Applicant is providing herewith for inclusion in the record of the above-identified patent application copies of the international Search Report and citations cited therein from the PCT application filed in abandoned parent application Serial No. 09/624,922. It will be noted that the three citations therein are all cited to show the state of the art and, of the three, the Peikin patent (USP 4,491,578) is already in the record of the above-identified patent application. A Form PTO-1449 is enclosed for the citations from the Search Report. Also enclosed is a copy of the Information Disclosure Statement and Form PTO-1449 filed in parent application Serial No. 09/624,922. As the citations therefrom are available in the file of the parent application, copies are not provided herewith.

The following observations should be noted for the record in regard to the enclosed Information Disclosure Statement filed in application Serial No. 09/624,922. The U.S. patent application referred to therein is abandoned Serial No. 09/626,007, filed July 26, 2000, also a parent application of the above-identified patent application. The Peikin patent was likewise submitted therein. Two of the citations listed therein were abstracts of presentations given after the critical date and, therefore, not available as citations to be applied against the claims presented for examination. The citations enclosed herewith are

being submitted for the record in the above-identified patent application prior to the issuance of the first Office Action thereon. Accordingly, it is submitted that no fee is required for their submission.

The submission of the enclosed citations does not constitute an admission that they are relevant or material to the claims under consideration in the above-identified application. It is noted on both the Filing Receipt and the Publication Notice of the above-identified patent application that the Attorney Docket No. is given as "TBA". This results from an error in the original transmittal sheet. The Docket No. has been correctly given on all documents thereafter and on this document as well. The correct Docket No. is 102717/40815. Please correct the records where appropriate and utilize this docket number on all future correspondence. Thank you.

Respectfully submitted,

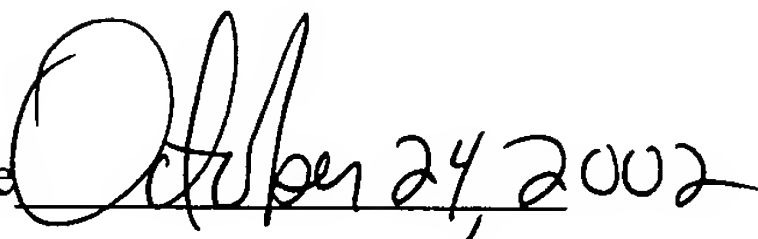


R. Hain Swope, Reg. No. 24,864

Attorney for Applicant

Phone (973) 596-4905

Date



Please address all communications to:

Intellectual Property Docket Administrator
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Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/085,355
Filing Date	February 28, 2002
First Named Inventor	Robert Portman
Group Art Unit	1653
Examiner Name	TBA
Attorney Docket Number	102717-40815

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner
Signature**

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 2

Complete if Known

Application Number	09/624,922
Filing Date	July 25, 2000
First Named Inventor	Robert Portman
Group Art Unit	1646
Examiner Name	Not yet assigned
Attorney Docket Number	4532670/10300

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials [*]	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		BRYANT, Proteinase Inhibitor II from Potatoes: Isolation and Characterization of Its Promoter Components, Biochemistry, 3418-24, 1976.	
		MCCARTY, Complementary Measures for Promoting Insulin Sensitivity in Skeletal Muscle, Medical Hypotheses, 451, 1998.	
		CAMPBELL, Effects of Resistance Training and Chromium Picolinate on Body Composition and Skeletal Muscle in Older Men, Journal of Applications of Physiology, 29, 1999.	
		SPIEGEL, Effect of a Premeal Beverage Containing a Protease Inhibitor from Potatoes on Satiety in Dieting Overweight Women (unpublished abstract).	
		VASSELLI, Consumption of a Pre-Meal Drink Containing Pretease Inhibitor from Potatoes Decreases Hunger and Increases Fullness in Overweight Subjects Following a Meal (unpublished abstract).	

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¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	Group Art Unit: 1646
Robert Portman)	
)	
Serial No. 09/624,922)	Examiner: Not yet assigned
)	
Filed: July 25, 2000)	
)	
For: COMPOSITION FOR EXTENDING)	
POST MEAL SATIETY)	

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INFORMATION DISCLOSURE STATEMENT

TECH CENTER 1600/2900

Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §1.97, a list of documents that may be material to the examination of this application is provided on the attached Form PTO-1449. Listed Documents A1 to A7 are U.S. patents, and pertinent articles that may be relevant to the examination of the present application. Copies of Documents A1 to A7 are enclosed herewith.

Documents for which the supplied date of publication lists the year of publication without the month were published sufficiently earlier than the effective U.S. filing date and any foreign priority date, so that the particular month of publication is not in issue. Pursuant to §609 of the MPEP, it is understood that the month of publication is not required when the particular month of publication is not in issue.

No inferences should be drawn that the attached list represents a comprehensive investigation, or that any material disclosed is equivalent to the subject invention. In addition, none of the documents that have publication dates prior to the priority date of the above application anticipate the invention in this application.

The cited documents disclose numerous specific features. There has been no attempt to list each and every feature disclosed by each document. The Examiner is requested to review the documents and determine the extent of the materiality of the document disclosures with respect to the present invention.

The discussion of any art and the citation of any document herein is not to be construed as an admission that the art or document disclosure is necessarily within the invention field of endeavor, that the art or document disclosure are necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that the art or document disclosure is otherwise necessarily prior art as defined by the patent law with respect to the instant invention and application.

Also, there is reserved the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosures of the art and documents recited herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

The recitation herein of the art and documents is not to be construed as an assertion that more pertinent art could not possibly be in existence.

United States Patents

<u>No.</u>	<u>U.S. Patent No.</u>	<u>Patent Date</u>	<u>Patentee</u>
A1	4,491,578	01/01/85	Steven R. Peikin

United States Patent Application

A2 Inventor: Robert Portman; Title: A Nutritional Intervention Composition Containing Proteinase Inhibitor Extending Post Meal Satitey; Filing date: July 26, 2000; Serial No.: unknown.

Publications

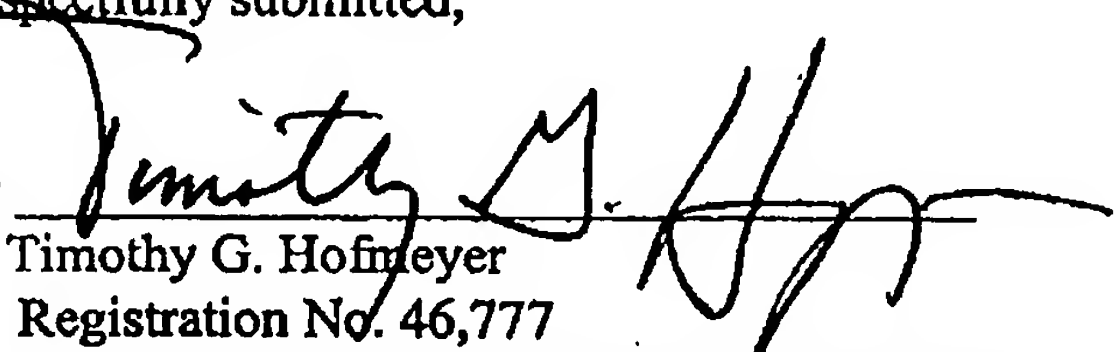
- A3 J. Bryant, et al., *Proteinase Inhibitor II from Potatoes: Isolation and Characterization of Its Promoter Components*, 15 BIOCHEMISTRY 3418, 3418-24 (1976).
- A4 M.F. McCarty, *Complementary Measures for Promoting Insulin Sensitivity in Skeletal Muscle*, 51 MED. HYPOTHESES 451 (1998) (abstract).
- A5 W.W. Campbell, et al., *Effects of Resistance Training and Chromium Picolinate on Body Composition and Skeletal Muscle in Older Men*, 86 J. APPL. PHYSIOL. 29 (1999) (abstract).

Unpublished Abstracts

- A6 T.A. Spiegel, et al., *Effect of a Premeal Beverage Containing a Protease Inhibitor from Potatoes on Satiety in Dieting Overweight Women* (presentation date post-critical date).
- A7 J.R. Vasselli, et al., *Consumption of a Pre-Meal Drink Containing Protease Inhibitor from Potatoes Decreases Hunger and Increases Fullness in Overweight Subjects Following a Meal* (presentation date post-critical date).

Respectfully submitted,

By


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Enclosures:

Form PTO-1449

Prior Art



CERTIFICATE OF MAILING

I hereby certify that this Information Disclosure Statement, together with the stated enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 1/18/01.